



Image AF 11761

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 9482**  
Takayuki WATANABE et al. : Docket No. 2000-0044A  
Serial No. 09/492,137 : Group Art Unit 1761  
Filed January 27, 2000 : Examiner Robert A. Madsen

EDIBLE POWDER MATERIAL HAVING  
EXCELLENT SHELF STABILITY

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEE FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975.

**REQUEST TO WITHDRAW THE FINALITY OF REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Office Action mailed January 30, 2004 includes a rejection of claims 1-4, 6, 8 and 10 under 35 U.S.C. §103(a) as being unpatentable over Shisheido in view of Hattori. As indicated in Applicants' previous Amendment filed September 30, 2003, the rejection based on a combination of Shisheido in view of Hattori was rendered moot because claim 1 was amended to incorporate the subject matter of claim 9, which was not subject to this rejection. The current rejection of the claims based on a combination of Shisheido in view of Hattori therefore constitutes a new rejection not necessitated by the previous claim amendments. That is, this rejection corresponds to a rejection of claim 9 (now incorporated into amended claim 1) which was not previously subject to the rejection based on a combination of Shisheido in view of Hattori.

Under these circumstances, Applicants request that the finality of the rejection be withdrawn.

Respectfully submitted,

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February 11, 2004